

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Nu-Vim a Tonic and System Purifier Directions Adults one tablespoonful in water every two hours until bowels act well, then three times a day. Children in proportion to age"; (carton) "Nu-Vim A Tonic and System Purifier New Lease on Life Nu-Vim is highly recommended in the treatment of Chronic Constipation, Indigestion, Blood, Stomach, Kidney and Functional Disorders of the Liver System Builder Nu-Vim aids the natural digestive process through its prompt though gentle corrective action; bodily nourishment is derived through the proper assimilation of wholesome foods. Nu-Vim establishes the regular and free movements of the bowels and is therefore looked upon as a Blood Medicine and System Purifier \* \* \* Indigestion."

Misbranding was alleged for the further reason that the package containing the article failed to bear a statement of the quantity or proportion of alcohol contained therein.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22326. Misbranding of Billy B. Van's Pine Tree Ointment. U. S. v. Commercial Laboratories, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 30312. Sample no. 16550-A.)**

This case was based on an interstate shipment of an ointment, the labels of which bore unwarranted claims for its effectiveness as an antiseptic and germicide.

On November 27, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Commercial Laboratories, Inc., a corporation, Newark, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 15, 1932, from the State of New York into the State of New Hampshire, of a quantity of an ointment which was misbranded. The article was labeled in part: (Carton and jar) "Billy B. Van's Pine Tree Ointment Pine Tree Products Co., Newport, New Hampshire"; (carton) "It is Antiseptic, germicidal"; (circular) "Pine Needle Oil \* \* \* is recognized as one of the most effective disinfectants, germicides and antiseptics."

Analysis of a sample of the article by this Department showed that it consisted of a pale-green ointment containing chiefly petrolatum and volatile oils, apparently pine oil, menthol, and camphor. Bacteriological examination showed that it was not antiseptic and was not germicidal when used as directed.

It was alleged in the information that the article was misbranded in that the statements in the labeling, (carton) "It is antiseptic, germicidal", and (circular) "Pine Tree Needle Oil \* \* \* is recognized as one of the most effective \* \* \* germicides and antiseptics", were false and misleading, since the article was not a germicide and was not an antiseptic.

On March 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22327. Misbranding of Cly-Tone Tonic, Liberty Nerve and Gland Treatment, Liberty Liniment, Liberty Tonic, Ru-Co Skin Remedy, 7 A's Pain Killer, 7 A's Iron Tonic, and Cly-Tone Pain Killer. U. S. v. 8 Bottles of Cly-Tone Tonic, et al. Default decrees of condemnation and destruction. (F. & D. nos. 30780, 30788 to 30794, incl., 30798. Sample nos. 34314-A to 34319-A, incl., 34324-A, 34325-A, 41601-A.)**

Examination of the drug products involved in these cases showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the respective labelings.

On or about August 2, 1933, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8 bottles of Cly-Tone Tonic, 45 packages of Liberty Nerve and Gland Treatment, 47 bottles of Liberty Liniment, 156 bottles of Liberty Tonic, 42 jars of Ru-Co Skin Remedy, 11 bottles of 7 A's Pain Killer, 17 bottles of 7 A's Iron Tonic, and 9 bottles of Cly-Tone Pain Killer at Little Rock, Ark. On August 3, 1933, a

libel was filed against 21 bottles of Cly-Tone Tonic at Cairo, Ill. It was alleged in the libels that the articles had been shipped in interstate commerce, by the Clyde Collins Chemical Co., from Memphis, Tenn., into the States of Arkansas and Illinois, respectively; that the shipments had been made between the dates of January 24, 1933, and July 14, 1933; and that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed the following results: The Cly-Tone Tonic consisted essentially of Epsom salt, extracts of plant drugs, small proportions of salicylic acid and an iron compound, and water; the Liberty Nerve & Gland Treatment consisted essentially of sodium bicarbonate (92 percent) and starch; the Liberty Liniment consisted essentially of a petroleum distillate such as kerosene and a small proportion of methyl salicylate; the Liberty Tonic consisted essentially of Epsom salt (22 grams per 100 milliliters), iron chloride (0.17 gram per 100 milliliters), salicylic acid (0.2 gram per 100 milliliters), extracts of plant drugs including a laxative drug, and water; the Ru-Co Skin Remedy consisted essentially of methyl salicylate (11.6 percent) incorporated in petrolatum; the 7 A's Pain Killer consisted essentially of methyl salicylate (1.7 grams per 100 milliliters) and a light petroleum distillate such as gasoline; the 7 A's Iron Tonic consisted essentially of Epsom salt, iron chloride, a small proportion of salicylic acid, extracts of plant drugs, and water; and the Cly-Tone Pain Killer consisted essentially of methyl salicylate (3 percent) dissolved in a petroleum distillate such as gasoline.

It was alleged in the libels that the articles were misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Cly-Tone Tonic, bottle and carton) "Cly-Tone Tonic" \* \* \* Made for your Health \* \* \* Cly-Tone is highly indicated in the treatment of chronic Constipation, Indigestion, Blood, Stomach, Kidney and Functional Disorders of the Liver"; (carton only) "Indigestion \* \* \* Cly-Tone first aid to health for the Stomach, Blood, Liver or Kidneys"; (Liberty Nerve and Gland Treatment, carton) "Nerve & Gland Treatment The Body Builder \* \* \* Nerve & Gland Treatment Strength Energy"; (Liberty Liniment, bottle) "The Master of Pains For Relief of Pains, such as Rheumatism \* \* \* Toothache, Lame Back, Stiff and Sore Joints \* \* \* Sore \* \* \* Feet"; (carton) "The Master of Pains Such as \* \* \* Toothaches, Stiff, Sore and Swollen Joints, \* \* \* Sore \* \* \* Feet, Lame Backs and a wonderful Relief for Rheumatism. \* \* \* The Miracle Oil"; (Liberty Tonic, bottle) "The Great Body Builder \* \* \* Kidney and Bladder Treatment A Remarkable Blood Purifier"; (carton) "The Great Body Builder \* \* \* Kidney and Bladder Treatment A Remarkable Blood Purifier \* \* \* Indigestion \* \* \* first aid to health for the Stomach, Blood, Liver or Kidneys"; (Ru-Co Skin Remedy, jar) "Skin Remedy Pimples, Bumps, Itch, Eczema \* \* \* After using three or four days, you may then use once a week if needed, until you are entirely well. Highly recommended for face blemishes, bumps, pimples \* \* \* Skin Remedy \* \* \* dependable skin remedy \* \* \* Highly indicated in the treatment of itch, eczema, sore, tender and inflamed feet, \* \* \* itch between toes and fingers, blotches on face and neck, old sores tetter, \* \* \* and skin complaints"; (7 A's Pain Killer, bottle) "Pain Killer The Master of Pains For Relief of Pains, such as Rheumatism \* \* \* Toothache, Lame Back, Stiff and Sore Joints \* \* \* Sore \* \* \* Feet"; (carton) "Pain Killer The Master of Pains such as \* \* \* Toothaches, Stiff, sore and swollen Joints \* \* \* Sore \* \* \* Feet, Lame Backs and a Wonderful Relief for Rheumatism \* \* \* The Miracle Oil"; (7 A's Iron Tonic, bottle) "Iron Tonic The Miracle Medicine Indigestion \* \* \* Stomach, Kidney and Functional disorders of the Liver, the True cause of Blood troubles and many other diseases of the Body"; (carton) "Iron Tonic The Miracle Medicine First Aid to Health \* \* \* Highly indicated in the Treatment of Chronic Constipation and Indigestion, the True cause of many Diseases such as Stomach, Kidney, Liver and Blood Troubles, and Many Other Functional Disorders of the Body. \* \* \* Indigestion \* \* \* Stomach, Kidney, Liver"; (Cly-Tone Pain Killer, carton) "For relief of pains such as rheumatism \* \* \* Toothache, Lame Back, Stiff and Sore Joints \* \* \* Sore \* \* \* Feet."

On April 16 and May 4, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22328. Adulteration and misbranding of Furstenberg's Felsol. U. S. v. 68 Packages of Furstenberg's Felsol. Default decree of condemnation and destruction. (F. & D. no. 30899. Sample no. 12716-A.)**

This case involved a quantity of Felsol which contained undeclared acetphenetidin, a derivative of acetanilid. The labeling bore a statement of the ingredients, and claims that the article was harmless even when used continuously; that it would not produce bad after-effects, and similar claims; whereas it was not of the composition declared, and contained drugs which might be harmful. The labeling also bore unwarranted curative and therapeutic claims.

On August 11, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 68 packages of Furstenberg's Felsol at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 7, 1933, by the American Felsol Co., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained antipyrine (phenazone), acetphenetidin (a derivative of acetanilid), caffeine, and an iodine compound.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (circular) "'Felsol' consists of Metozin 0.9 (Phenazone 0.25, Anilipyrin 0.4, Iodopyrin 0.25), Caffein 0.1, Digitalis and Strophanthus Glucosides 0.0015, and the Alkaloid Lobelia Inflata 0.005", since it did not have the composition claimed.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "Notice Felsol is free of all narcotics or habit forming drugs and is Guaranteed to be absolutely harmless even when used continuously. The most delicate patients need not fear any bad after effects in regard to the heart, stomach or kidneys. The medicine is not cumulative in its action: The dosage does not have to be increased with extended use of the medicine"; (circular) "The special process employed for compounding the glucosides and the lobelia preparation represents a new departure in chemistry. \* \* \* produces no bad after effects, such as headache, vomiting, etc. \* \* \* 'Felsol'—can be used in cases of cardiac affections. \* \* \* 'Felsol'—is not cumulative in its action and the dose does not have to be increased with protracted use of the medicine. 'Felsol'—does not produce bad after effects, such as headache, vomiting, exhaustion, etc.; it stimulates the desire for mental and physical activity."

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Felsol Indicated in Asthma and Hay Fever \* \* \*"; (circular) "Felsol is indicated in: Bronchial and Cardiac Asthma Angina Pectoris Chronic Bronchitis Spasmodic or Convulsive Cough Hay Fever \* \* \* This special process of compounding as well as the ideal selection of ingredients are the real cause of the distinguished therapeutic effects obtained with 'Felsol.' The various ingredients stimulate the pulmonary and cardiac organs in such a way that the resultant effects supplement or increase each other, which in turn permits a reduction of the percentage of these ingredients to a minimum. \* \* \* To check an attack of asthma one to two powders are generally required, the second powder to be given from two to three hours after the first. In rare cases a third powder may be found necessary. It is always advisable to continue taking a few powders a day for several days after the attack. Where the Physician has no special reason to prescribe otherwise, the following general directions are given: First week:—One powder three times daily one hour after meals. Second week:—one powder morning and evening. Third week:—one powder every morning. After the patient has sufficiently recovered, the dosage may be still further reduced and a powder twice a week has proved sufficient in many cases to maintain